

City Council Chamber, City Hall, Tuesday, May 24, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, May 24, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Harlan Heilman, Division Chief Claims and Subrogation Division, Legal Department; Mr. Xavier Herrera, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present.

At 8:28 the City Secretary read the descriptions or captions of items on the Agenda.

At 9:16 a.m. Mayor White stated that they had a presentation by Council Member Lawrence. Council Members Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence stated that today she wanted to issue a proclamation for the 100 Club, that on May 24, 2005 the 100 Club would be recognized for it's 52 years of commitment to the Houston community and for the outstanding support it provides since the club began to police and firefighter communities for safety equipment, scholarships and particularly financial assistance to surviving family members of the Houston heroes lost in the line of duty, that tomorrow night, at their annual banquet, they would be recognizing a number of heroes that went beyond their duty to be good officers and firefighters in the surrounding community, and Mayor White stated that he on behalf of the millions of people who lived in the City of Houston he hereby proclaimed May 24, 2005 as The 100 Club Day in Houston, Texas. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent.

At 9:20 a.m. Mayor White called on Council Member Goldberg who led all in prayer and the pledge. Council Members Wiseman, Khan, Holm, Alvarado, Sekula-Gibbs and Berry absent.

Mayor White requested the City Secretary to call the roll. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent.

Council Members Quan and Ellis moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent. MOTION ADOPTED.

MAYOR'S REPORTS

Council Member Galloway moved to suspend the rules to consider Item Numbers 15 and 15a out of order, seconded by Council Member Green. All voting aye. Nays none. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent. MOTION 2005-0450 ADOPTED.

15. ORDINANCE approving and authorizing contract between the City and **LINEBARGER GOGGAN BLAIR & SAMPSON, LLP** for the Collection of Delinquent Ad Valorem Taxes for the City of Houston, Texas; providing a maximum contract amount - \$750,000.00 - was presented. Council Members Khan, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Holm moved to delete Section 4 from the proposed ordinance, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Khan, Alvarado, Sekula-Gibbs and Berry absent. MOTION 2005-0451 ADOPTED.

Note: Section 4, which was deleted by Motion 2005-0451, contained the following language:

Section 4. The total allocation for the contract, agreement or other undertaking approved and authorized hereby shall never exceed \$750,000 unless and until this sum is increased by ordinance by City Council.

A vote was called on Item No. 15 as amended. All voting aye. Nays none. Council Members Khan, Alvarado, Sekula-Gibbs and Berry absent. ORDINANCE 2005-0640 ADOPTED.

15a. ORDINANCE adopting an additional twenty percent (20%) penalty for all property taxes that remain delinquent on July 1, 2005 and on July 1 of succeeding tax years pursuant to Section 33.07 of the Texas Property Tax Code and for all property taxes that become delinquent on or after June 1, 2005 and on or after June 1 of succeeding tax years pursuant to Section 33.08 of the Texas Property Tax Code; directing the provision of notice thereof – was presented. All voting aye. Nays none. Council Members Khan, Alvarado, Sekula-Gibbs and Berry absent. ORDINANCE 2005-0641 ADOPTED.

Mayor White stated that the firm was doing some work as part of the contract at no extra charge that there were some negotiations about but he wanted to share with them that one of the bottlenecks on the abandoned buildings, which were a blight on the neighborhoods and which prevented affordable housing from being built in some of the neighborhoods was just the title work that it took to try to find the owners and this firm was committed to do, for no incremental charge, 50 per month in that category, which would really help them in taking down abandoned buildings and getting some new residences in these neighborhoods and he applauded the firm for agreeing to do so. Council Members Khan, Alvarado, Sekula-Gibbs and Berry absent.

Mayor White stated that they would go to the consent agenda. Council Members Khan, Sekula-Gibbs and Berry absent.

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment of **MR. B. J. WALTER**, to Position Fourteen of the **PLANNING COMMISSION**, to fill an unexpired term ending September 30, 2005 – was presented, moved by Council Member Alvarado, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Khan and Berry absent. MOTION 2005-0452 ADOPTED.

Mayor White stated that he wanted to thank Council Member Garcia for his input, that it was a big significant addition to the Planning Commission, that Mr. Walter was a great civic leader and one of the great lawyers in Houston. Council Member Khan and Berry absent.

PURCHASING AND TABULATION OF BIDS - NUMBER 7

7. **COLONIAL HARDWARE CORPORATION** - \$270,844.00 and **GROVES INDUSTRIAL SUPPLY** \$74,976.00 for Hand, Electric and Pneumatic Tools and Accessories Contract for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Members Khan and Berry absent. MOTION 2005-0453 ADOPTED.

ORDINANCES - NUMBERS 12 through 32

12. ORDINANCE consenting to the addition of 77.0424 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15**, for inclusion in its district – was

presented. All voting aye. Nays none. Council Members Khan and Berry absent. ORDINANCE 2005-0642 ADOPTED.

17. ORDINANCE approving and authorizing Advanced Funding Agreement between the City and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Addicks Bikeway Project, GFS N-0420-19-3 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Khan and Berry absent. ORDINANCE 2005-0643 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City of Houston and **MOTOROLA, INC** for Technical Support Services for Customer Service Request System Software on the City's 3-1-1 System for the Information Technology Department; providing a maximum contract amount \$264,750.00 - Central Service Revolving Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Khan and Berry absent.
20. ORDINANCE awarding contract to **OCE' NORTH AMERICA, INC** for Lease of Two Wide-Format, Multifunction Copiers for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with 2 one-year options - \$511,839.60 - General and Enterprise Funds - had been pulled from the Agenda by the Administration, and was not considered. Council Members Khan and Berry absent.
21. ORDINANCE awarding contract to **GENUINE PARTS COMPANY dba NAPA AUTO PARTS** for Automotive and Equipment Turnkey Parts for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$25,000,000.00 - Fleet Management Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Khan and Berry absent.
27. ORDINANCE appropriating \$250,000.00 out of Series E Commercial Paper Metro Projects Fund and approving and authorizing Professional Construction Management Services Contract between the City of Houston and **ESPA CORP. INC** for Construction Management and Inspection Services associated with the Kirkwood Paving from Bellaire Blvd to Alief Clodine Road, GFS N-0575-02-3 (SB9066) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Khan and Berry absent. ORDINANCE 2005-0644 ADOPTED.
28. ORDINANCE appropriating \$138,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **EMPIRE CONSTRUCTION SERVICES, INC** for Construction Management and Inspection Services associated with the Dairy Ashford No. 3 Lift Station Diversion Sewer; GFS R-0267-86-3 (4861-05) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Khan and Berry absent. ORDINANCE 2005-0645 ADOPTED.
31. ORDINANCE approving and authorizing professional materials engineering laboratory contracts between the City of Houston and **PROFESSIONAL SERVICE INDUSTRIES, INC; FUGRO CONSULTANTS LP; TERRACON, INC; HVJ ASSOCIATES, INC; ALLIANCE LABORATORIES, INC; RABA-KISTNER CONSULTANTS, INC; QC LABORATORIES, INC; GEOTEST ENGINEERING, INC; TOLUNAY-WONG ENGINEERS, INC; STORK SOUTHWESTERN LABORATORIES, INC** for Engineering Materials Testing Services for the Building Services Department – was presented. All voting aye. Nays none. Council Members Khan and Berry absent. ORDINANCE 2005-0646 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**MISCELLANEOUS**

2. **RECOMMENDATION** by Director Solid Waste Management to extend contract with **REPUBLIC WASTE SERVICES OF TEXAS, LTD** from July 1, 2005 to June 30, 2006 - was presented, moved by Council Member Green, seconded by Council Member Alvarado.

Council Member Galloway stated that she did not see an MWBE goal on Item No. 2 and was wondering if they could provide her with such because there was none listed, the ones that they had in the past as well as now. Council Members Khan and Berry absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Member Khan absent. MOTION 2005-0454 ADOPTED.

Mayor White recognized Mr. Walter who had been appointed earlier to Position Fourteen of the Planning Commission and thanked him for serving on the Planning Commission. Council Member Khan absent.

Council Member Garcia stated that he appreciated Mr. Walter and that there were a lot of challenges facing the Planning Commission and for the Mayor to bring on additional legal minds, he thought, was a smart move. Council Member Khan absent.

- 2-1. **RECOMMENDATION** from the Mayor's Office for acceptance of Phase 1 Report on Houston/Harris County Ten Year Plan to end Chronic Homelessness – was presented.

Council Member Quan moved to consider Item No. 2-1 after the public session, seconded by Council Member Alvarado. Mayor White stated that if there was no objection it was so ordered. Council Member Khan absent.

PURCHASING AND TABULATION OF BIDS

3. **AMEND MOTION #2004-380, 4/14/04**, as amended by **MOTION #2004-876, 8/4/04, #2004-972, 9/8/04** and **#2005-20, 1/5/05, TO INCREASE** spending authority from \$2,788,000.00 to \$9,388,000.00, for Ultra-Low Sulfur Diesel Fuel from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department, awarded to **VALERO MARKETING AND SUPPLY COMPANY** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent. MOTION 2005-0455 ADOPTED.
4. **FISHER SCIENTIFIC** for Purchase of equipment and supplies through the Interlocal agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Houston Fire Department - \$444,651.55 - Urban Area Security Initiative (UASI) Funds – was presented, moved by Council Member Lawrence, seconded by Council Member Quan. All voting aye. Nays none. Council Member Khan absent. MOTION 2005-0456 ADOPTED.
5. **J.T.B. SERVICES, INC** - \$41,620.00, **AAA DEMOLISHING COMPANY** - \$41,620.00, **CHERRY MOVING COMPANY, INC dba CHERRY DEMOLITION** - \$41,620.00, **HOUSTON G & G DEMOLISHING SERVICES, INC** - \$41,620.00, **CST ENVIRONMENTAL, INC** - \$41,620.00, **RECOVERY CONTRACTORS, INC** - \$41,620.00 and **WILLIS DEMOLISHING** - \$41,620.00 for Site Clean-Up Services for Police Department - \$291,340.00 - General Fund – was presented. Council Member Khan absent.

Council Member Galloway stated that she wanted to commend Mayor White on their "D Day" this past Saturday and these were some of the companies that would be assisting them so she was just glad to see they were moving forward. Council Members Khan and Berry absent.

Council Member Garcia stated that he also wanted to express his appreciation on behalf of the many neighborhoods in District H that were seeing a lot of these dangerous buildings come down. Council Members Khan and Berry absent.

Council Member Lawrence stated that even though District A did not have any buildings torn down she had people calling her, they were proud of Houston and the volunteer work and the contractors that stepped forward, that she had some conversations with them and they wanted to do their part, that they were looking to doing this on a regular basis so she applauded them.

After further discussion a vote was called on item No. 5. All voting aye. Nays none. Council Members Khan and Berry absent. MOTION 2005-0457 ADOPTED.

6. **AMEND MOTION #2000-1513, 12/13/00, TO INCREASE** spending authority from \$3,510,405.64 to \$3,939,837.80, for Paper and Supplies Contract for Various Departments, awarded to **UNISOURCE WORLDWIDE, INC** - General and Enterprise Funds - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Khan and Berry absent. MOTION 2005-0458 ADOPTED.

ORDINANCES

8. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2005A; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; authorizing the defeasance of certain outstanding obligations, the execution and delivery of an Escrow Agreement, the purchase of and subscription for certain securities and the use of certain funds related to the obligations to be defeased; authorizing Escrow Verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency – was presented.

Council Member Sekula-Gibbs stated that she had some questions regarding some of the matters related to the bond items, all three bond items, and moved to delay Item Numbers 8, 9 and 10 to the end of the public session. Mayor White stated that he would have someone from Finance and Administration consult with Council Member Sekula-Gibbs and they would move to the public session.

Ms. Wendy Wilkinson, 2323 South Shepherd, Houston, Texas 77019 (713-520-0232) had reserved time to speak but was not present when her name was called. Council Members Khan, Ellis and Berry absent.

Mr. Anthony Love, 13001 Travis, Houston, Texas 77002 (713-739-7514) appeared and stated that tonight about 14,000 Houstonians would not have a place to call home in spite of an \$18,000,000.00 per year system designed to deal with the problem; that many providers did a heroic job providing services to address homelessness, but the system could do little to keep people from becoming homeless or change the overall availability of housing, income and

services to end homelessness; that last week the Neighborhood Housing and Redevelopment Committee chaired by Council Member Quan approved and recommended Phase I of a 10 year plan to end chronic homelessness in Houston Harris County, it outlined a service delivery model for continuum care and 5 steps to be undertaken simultaneously would change the dynamic of homelessness and everyone would have a home; and urged that Council fully support the plan as they got ready to submit their federal application to the Department of Housing and Urban Development for continuous homeless service funds for the City of Houston and Harris County and remain competitive around the country. Council Members Galloway, Khan, Ellis and Berry absent.

Council Members thanked Mr. Love for his work and support; and Council Member Garcia stated that the civility ordinance only meant other neighborhoods began to see what homelessness looked like; that he would be counting on his leadership and advice on how to address it within traditional neighborhoods, not to demoralize folks struggling with the situation but at the same time making sure neighborhoods were protected. Council Members Galloway, Khan, Ellis and Berry absent.

Council Member Quan stated that this was Phase I; and asked Mr. Love to tell Council what was expected from Phases II and III; and Mr. Love stated that Phase II would be putting together action steps to support the plan, show prevention aspects and devise a strategy to house those currently homeless and evaluate trends and rebuild infrastructure; that they would also implement an implementation plan with timelines for those action steps and make sure those responsible were identified; and Council Member Quan stated that Phase II they did numeration of the homeless which was the first done in 10 years; that they did a needs assessment and now were asking Council to accept the report regarding strategy; and then they would be back to Council; and Mr. Love stated that they would be back with the completed Phase I and Phase II with implementation strategy on what would be done and what was needed to get it done; and felt they would be back to Council in August. Council Members Galloway, Khan, Alvarado, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she thought the homeless had been demoralize in this city; and upon questions, Mr. Love stated that there was a relationship with all levels of government, to get an effective preventive strategy you had to have all players at the table to communicate problems and their role in making sure people could be prevented from falling through the cracks and becoming homeless; that a number of groups were being looked at and one was the number of parolees who ended up homeless. Council Members Galloway, Khan, Alvarado and Sekula-Gibbs absent.

Council Member Lawrence stated that she was impressed with the presentation provided and on the committee there were outstanding people and she felt they would do a good job and they would know what was needed for the mentally ill and veterans and that was two of her big concerns. Council Members Galloway, Khan and Sekula-Gibbs absent.

Council Member Berry stated that he thought good steps were being taken in the right direction to deal with a challenge in the community and issue for the homeless, but by his summary of the report 90% of the homeless was because of mental illness or substance abuse; that it was a widely held conviction people were homeless because of economic reasons and this report said to end homelessness you needed to understand the reasons for it so the money needed to be spent more wisely. Council Members Galloway, Khan, Holm and Sekula-Gibbs absent.

Council Member Alvarado stated that as long as the state cut funding to treat mental health the number would continue to grow and she hoped this would keep the state from cutting those funds; and that she wanted to recognize Council Member Quan for his work on this along with all the members of the Blue Ribbon Committee; that this was partly funded by the city and others from the city and she hoped the partnerships would continue so they could tackle the

issue. Council Members Galloway, Khan, Holm and Sekula-Gibbs absent.

Council Member Wiseman stated that she wanted to give kudos to Council Member Quan, Mr. Love and the entire Blue Ribbon Committee; that it was fascinating to see what challenges were being faced; that she wanted to thank them for expanding the list of directors for the group to include those who worked with veterans and children and she looked forward to Phase II and what they could do. Council Members Galloway, Goldberg, Khan, Holm, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Mr. Love stated that all shelters were at capacity and people had a myriad of issues as to why they were there and depending on their next step it was hard to determine what the success factor was, whether the next step was transitional housing, hospital or mental health institution, but it was probably over 50% in terms of what the next step was after leaving the shelter. Council Members Galloway, Goldberg, Wiseman, Khan, Holm, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Edwards, Mr. Love stated that where applicable they would be using the tactics and strategies from US Vets, they were at the table; that it was not realistic if those who did the work were not at the table; that some shelters had started increasing the stay for individuals and creating long-term beds for those who needed it. Council Members Galloway, Wiseman, Khan, Holm, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Mr. Love stated that they were beginning to see some homeless from the current battle which broke the trend of 10 years from discharge. Council Members Galloway, Wiseman, Khan, Holm, Ellis and Sekula-Gibbs absent.

Ms. Frances Bee Hofford, 4933 Schurmer Road, Houston, Texas 77041 (713-991-3852) appeared and stated that she had muscular dystrophy and osteoporosis and 30 years ago purchased 5 acres in Minitex Place and it consisted of 4933 Schurmer Road and was her home, her barn and two mobile homes; that her "A" trailer was always considered under the grandfather clause by her and inspectors and why the other was not she did not know; that in 1976 her "B" trailer became in question and she obtained a permit for Trailer "B"; that she had snapshots of the property from about 1971 and it had both trailers on it; that she submitted plans to build a mobile home in 1978 and they were denied because sewer and water was not available and she still had water wells, septic tanks and no gas available; that she was not complaining, but she could not understand why she was chosen out of many to have the red tags on her mobile homes, it made her feel as if she had no rights and if the city forced her now to dispose of her trailer after 30 years it would decrease her income and make it impossible to go to San Antonio because of her muscular dystrophy and osteoporosis as it was not covered by insurance and was out of pocket; that also with no trailers she would be more susceptible to theft and she wanted to know what adjustments needed to be made to comply with the rules. Council Members Galloway, Wiseman, Khan, Ellis and Sekula-Gibbs absent.

Upon questions by Mayor White, Ms. Hofford stated that she did not have a hardship exemption, she bought the property with the trailers on it in 1975 behind the house; that she did get a hardship out there in 1994 for her mother and she was never questioned about the two trailers there when she got the hardship trailer; that she rented the trailers out and had them since 1971 or 1972; that one trailer was a 1969 Tornado, she did not know what the other was, but thought she was under the law the whole time; and Mayor White stated that if there before 1972 he thought they were grandfathered so they needed information. Council Members Galloway, Wiseman, Holm, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she was told if she could show the homes were there prior to annexation they would be grandfathered; and upon questions, Ms. Hofford stated that she could not find records, but did have pictures; and upon further questions, Mr. Heilman stated that there was a hearing process for such cases and they could present whatever

evidence they had; and Ms. Hofford stated that she had signed papers with people saying they knew the trailers had been there for 34 years; and Mayor White stated that the goal was to use commonsense and not to say we got you because you can not prove it and he would replace the lawyer and hearing examiner if they played games like that and he would just ask that they use commonsense when listening to neighborhood complaints; that if the trailers were put there years after the ordinance passed then they needed to do something, but the goal was to use commonsense, this was not a game it was someone's life; Council Member Edwards stated that it was a rural area and the city had not seen fit to bring in their services so however they could help they would. Council Members Galloway, Holm, Ellis, Sekula-Gibbs and Green absent.

Council Member Garcia stated this was not the first time someone came with this type situation and he was thinking they should go out and explain the process before they started making people be displaced; that they should be able to do something more proactively and customer friendly; and Mayor White stated that if he came down hard he apologized, but in defense of inspectors they almost always responded to neighborhood complaints and there was usually more of a story than what they heard here, but they tried to put customer service first and respond with repeated calls of customer complaints, but he did have a good point. Council Members Galloway, Holm, Ellis, Sekula-Gibbs and Green absent.

Council Member Edwards stated that the issue with Ms. Hofford was different in that the trailers were there before annexation and there was a strong awareness of manufactured homes in the community because a number of people had them, the homeowners were concerned that the deed restrictions in District D be upheld so most complaints were from places where such things were outlawed, but she would meet the exception if she could show they were there prior. Council Members Galloway, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated he was not speaking to Ms. Hofford's issue, but his concern with the process was it was unthinkable they would annex communities and not provide services even 33 years later, but what concerned him was treating citizens unequally because his office specifically told individuals who applied for hardship cases said they could consider nothing outside the hearing, laws were terrible because they were inconvenient but at least they were equal; that if people were going to get a second bite at the apple it was a separate bite and he did not know that her case was not deserving of some exception, but they needed to be clear on rules because it would not be fair to people they told not to come down in the past, it was the law; and Mayor White stated that he understood she had not been through the hearing process and it was good counsel from the City Attorney's Office that there was a hearing process and they could present proof so they did treat citizens regularly and their comments were not to stray from that, but at the same time there were issues with inspectors that were a matter of policy and considered judgment and the context needed to be put to the violation and he was making a point that people needed commonsense; and Council Member Berry stated that he was right, but thought they needed to look at the process by which they considered this because if they were going to stick to the rule the hearing process was going to have meaning then they needed every process as fair and equitable as could be. Council Members Lawrence, Galloway, Holm and Garcia absent.

Upon questions by Ms. Hofford, Mayor White stated that he thought there was room for exception and Mr. Norman would visit with her; that they were not able to listen in detail here but there was a process. Council Members Lawrence, Galloway, Holm and Garcia absent.

Council Member Sekula-Gibbs moved to take Items 8, 9 and 10 out of order; and Mayor White stated that with no objections it was so ordered; and the City Secretary was asked to call the items.

8. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2005A; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and

authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; authorizing the defeasance of certain outstanding obligations, the execution and delivery of an Escrow Agreement, the purchase of and subscription for certain securities and the use of certain funds related to the obligations to be defeased; authorizing Escrow Verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2005-647 ADOPTED.

9. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Taxable Refunding Bonds, Series 2005B; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; awarding the sale of the bonds and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; authorizing the refunding of a certain outstanding obligation; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2005-648 ADOPTED.
10. ORDINANCE authorizing the issuance of City of Houston, Texas, Certificates of Obligation, Series 2005C; prescribing the terms and form thereof; providing for the payment of principal and interest thereon; awarding the sale of the certificates and authorizing execution of a purchase contract; authorizing the purchase of a policy of Municipal Bond Insurance; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the certificates; making other provisions regarding such certificates and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2005-649 ADOPTED.

Ms. Cynthia Pharms, 6122 Cavalier, Houston, Texas 77087 (713-649-8113) had reserved time to speak but was not present when her name was called.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Ellis, Quan and Berry absent.

Ms. Betty Ross, 8500 Nairn, Houston, Texas 77074 (713-272-6039) appeared and stated that she was a product of Freemans Town and today was present on behalf of the homeless and forgotten; that she had been homeless and was rehabilitated and now a student at HCC; that she pushed a lawn mower and tried to save properties and she wanted to bring Council's attention to 3 addresses with one being 4824 Benington across from J C Sanderson School, the second was 5606 Hickman and the third was 2001 E. Crosstimbers where she lived 13 years until the owner found out and made her leave, but she wanted to know where she fit in as she wanted to give back. Council Members Galloway, Ellis, Quan, Sekula-Gibbs and Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Galloway, Ellis, Quan, Sekula-Gibbs and Berry absent.

Mr. Moses Villalpando, 314 Lindale, Houston, Texas 77022 (713-699-4475) appeared, presented information and stated that he worked with a group of civic clubs from the North Command area and they were trying to get officers back at their meeting but Captain Garson made the decision HPD officers could not attend; that communities were being invaded and along Airline between 610 and I-45 in Independence Heights there was an increase in prostitution and nothing was being done; that Council Member Edwards helped her constituents in Montrose and if she had time they would love her support; that drugs, prostitution and crime ran together so where was HPD; that six police officers were eating at Taqueria Arandas and at Tinsel Town HPD was placing cards on all cars in the parking lot; that they could not get officers for 15 minutes at their meetings and yet they spent hours patrolling private parking lots. Council Members Galloway, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that in talking with Capt. Jett and Capt. York about Montrose was they felt they could arrest on prostitution but they were trying to get more support from judges; that there needed to be more than two days and then back on the street; that even after being arrested two to three times it was still just a Class A or Class B; and they would be happy to assist and see what could be done. Council Members Galloway, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that they did need to make sure officers were protecting the public interest but the issue of officers at the restaurant they say Chief Hurtt was a tough disciplinarian and so if these issues were brought to his attention it appeared he was not being slow on the matters; and with all everyone was doing in their community it showed they needed more officers on the street; that in his first meeting with Chief Hurtt he mentioned using a steering committee process for every captain so they could engage in the community and have dialogue on challenges facing them and that was what Mr. Villalpando talked about, they felt disconnected and he hoped Chief Hurtt would revisit the idea of instituting a community process. Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan and Sekula-Gibbs absent.

Council Member Goldberg stated that he was told there was a rule about how many officers could collect at a restaurant or convenience store, but he did not know how many and would like someone from HPD to get with him on that; and Mayor White stated that would be done. Council Members Galloway, Edwards, Wiseman, Ellis, Quan and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Mr. Villalpando stated that the fact there were six officers at the restaurant they could not control, but they had been asking since April to have one officer give time at the civic club meeting and the commander said there were not enough officers; that he had 70 civic clubs in his command area, but not all wanted an officer; and Council Member Berry stated that he believed his concern was at mid management level not sending someone out and he did not want to transfer it to officers who were underpaid; that they did get a lunch break and he did not mind them fraternizing because camaraderie had broken down and if they could foster that good and their very presence could deter crime. Council Members Galloway and Wiseman absent.

Council Member Lawrence stated that they lost a wonderful officer to the northeast part of Houston, Lt. Duke Atkins, and if they had trouble getting an officer they should ask for him and she thought he would be able to help. Council Members Galloway and Wiseman absent.

Council Member Khan stated that he had a request for the Mayor; that Council Members who were there in 2000 may remember the community requested officers make a stop at community stores all the time and it helped in reducing crime because of their presence and suggested that they be careful before making changes in direction to officers because they had seen benefits of officers stopping by at shops, etc. Council Member Galloway absent.

Council Member Quan stated that in the budget received from the Mayor's Office they

were hoping to add four cadet classes next year and it was well needed; that crime was throughout the whole city and they needed officers to go around and maybe it would make a difference next year having the extra officers. Council Member Galloway absent.

Mr. Ora Robicheaux, 8800 Fondren, Houston, Texas 77074 (713-733-1145) had reserved time to speak but was not present when his name was called. Council Member Galloway absent.

Mr. Alfred Lee, 10814 Buffum, Houston, Texas 77051 (713-733-3271) appeared, presented pictures to view and stated that he was present with Ms. Margaret Jenkins the president of their Sugar Valley Civic Club and they were present to protest a garbage dump going into their neighborhood; that he talked to Council Members and it was time something be done; that he did thank Council Member Green for going to work for him as others didn't; that limbs were stacked very high and now people were just throwing garbage bags on top; that he knew there was an ordinance and people could not just throw limbs out there and he wanted it looked into and have those who did it punished. Council Members Galloway and Alvarado absent.

Council Member Edwards thanked Mr. Lee for coming and stated that the issue on that particular dumping was it was a church and private property and Solid waste did not pick up, but she spoke with Solid Waste and they were working to get it out, but the church needed to be notified that they were not being good community partners and they had tried contacting the pastor but were not successful yet; that she thanked Council Member Green's office for contacting BFI and they were trying to get it out; and Mr. Lee stated that he thanked Council Member Edwards for what she was doing but he could not get her and that was why he went to all the others and the Mayor's assistance; and he thanked Mayor White and stated that heavy trash could not pick it up so he called the others; and Mayor White stated that they would pick it up and he would ask him to call the pastor and say it would not happen again; that they had the policy so companies would not do it and leave it for the city to pick up; and Mr. Lee stated that he thanked the Mayor but it was against the rules for the city to pick it up and if you were wrong you were wrong and they should have made the church move it. Council Members Alvarado, Quan and Berry absent.

Council Member Green stated that he would echo Council Member Edwards and also he thought the church had good intentions but were not aware that they would not be picked up; that BFI stepped in and volunteers would help load it and if it was not large enough it would be emptied and then brought back, but the ball was back in their court and he felt once it was cleaned they would not put it back again; and Mr. Lee stated that he appreciated what they did, but they should have pushed them to move it all. Council Members Lawrence, Quan and Berry absent.

Mr. Wallace Garrett, 12114 Sandrock Drive, Houston, Texas 77048 (713-991-4615) appeared and stated that in April he was billed for 12,000 gallons of water, \$75.00, that if you jiggle the meter it stopped and he called several times about it; that his average bill was \$35.00. Council Members Lawrence, Quan and Berry absent.

Mayor White stated that Mr. Norman was present and he would help him.; and he wanted him and his colleagues to know he had gone through each line of the budget for the water and sewer system and they needed more people who had judgment to make appropriate calls on such issues as his, to look at historical records and not send letters back and forth, it was ridiculous; and someone would take a look at his problem. Council Members Lawrence, Galloway, Holm, Quan and Berry absent.

Ms. Katherine Heim, 2447 White Oak, Houston, Texas 77009 (832-607-0375) appeared and stated that she was present regarding what happened last Wednesday at the Halliburton shareholders meeting; that there was a planned protest, the third one, but it was clear things

would not go as usual, outside of the hotel there were two riot buses, 30 mounted officers, 10 to 15 officers in riot gear and many other officers and that was for a protest which had always been peaceful in the past; that last year only five were arrested and they wanted to know how many officers were there and what it cost, the very presence of so many police upped tension between protestors and officers and the officers were pushing back barricades and asking people to leave; that force was used on them by batons, horses and fists and they were lucky no one was more injured; that videographers were targeted and it seemed officers were not taught de-escalation techniques; and if the people were the city why were police used as a personal security force for Halliburton and the Four Seasons Hotel. Council Members Galloway, Holm and Quan absent.

Council Member Edwards stated that she would like to get a report from HPD as to what actually happened and what the training was for protest; that if police were out of line she would like to know it; and Mayor White stated that a report would be helpful and it should particularly address training. Council Members Galloway, Holm and Quan absent.

Council Member Khan stated one of the best things about America was the right to protest and upon questions, Ms. Heim stated that the intersection of public and private was hard to discern there; and Council Member Khan stated that he also was interested in finding out what happened. Council Members Galloway, Holm and Quan absent.

Ms. Rochelle Brackman, 6517 Rolla, Houston, Texas 77055 (713-688-8789) appeared and stated that the person with her was Nicole whom she met at the Halliburton protest and they were present regarding the protest; that she went because of her belief they should not be in Iraq and that Halliburton was profiting from it; that she saw many police with grim faces and though she knew a few planned a civil disobedience protest inside those outside planned a peaceful protest; that she was surprised the police were not trained on how to deescalate tension, Nicole had a bruise on her arm as the same officer hit her over and over with his stick; that her chest was also bruised and she was hit on the face and throat. Mr. Brackman continued describing what happened until her time expired. Council Members Galloway, Wiseman and Holm absent.

Upon questions by Council Member Berry, Ms. Brackman stated that there were maybe between 200 and 300 protesters; that she did not count officers either but they were on horses and had guns and sticks; that she had protested before and officers made human contact, but last Wednesday not one would meet her eyes and were like robots under command; and Council Member Berry stated that in fairness it was a tough job and a tense situation; and suggested that it was worth understanding what went wrong if something did go wrong, but they were hearing one side and he would commit to look at her video if she would provide it, but he did want to be careful and would not criticize officers until he heard the department's response. Council Members Galloway, Wiseman and Holm absent.

Mayor White stated that he was in Council and kept in touch with Chief Byrd and there was information on what was expected; that officers did not just show up they consulted with political authorities and that began with the Mayor; that he understood people needed training and the facts did need to be looked at, but they did not just go on their own and it had nothing to do with politics. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Brackman stated that metal barricades were up and they stayed within that area; that she believed what happened was that some started to walk with the drums around the block and the mounted police followed closely and when they reached the hotel again before they were able to turn behind the barricade the procession stopped but she did not know why as she was near the end; that she noticed they were near an exit to a garage but no one said anything about blocking an exit and move, there was no instruction and suddenly the horse started coming to her and she had to backup; that the mounted police parted and were moving all out of the way of the garage, but she did not

think any knew they were in the way of a garage; and Council Member Quan stated that he would concur with Council Member Edwards; that he thought police did a great job on almost all occasions, but they did not want to repeat a bad situation and thanked them for coming and voicing their concerns. Council Members Galloway, Wiseman and Sekula-Gibbs absent.

Council Member Garcia thanked them for coming and sharing concerns, and stated that he was involved with the Republican National Convention demonstration and others and they almost always have emotions high and lots of tension; that officers were there to protect people and they were special response and did undergo training on a regular basis and was applauded at different times and knew what they were doing; that to keep things under control they had to get on it quickly and also their preparedness also depended on information given; and he hoped they would keep all that in mind and was sure it was already being investigated. Council Members Wiseman and Sekula-Gibbs absent.

Mr. Keith Koski, 907 Woodcrest, Houston, Texas 77018 (713-697-8032) appeared and stated that he was at the Halliburton protest and was not to condemn the department or the mounted department in general, but he was standing on the sidewalk and doing his best to comply and stay out of everyone's way and was charged by a horse 15 feet off the property line and he ran and at that moment his first amendment rights were violated; that he did not care about frowns or attitudes, but police were there to protect rights and maintain order and his rights were violated; that some officers were willing to go beyond and violate civil rights and he enjoyed the protection of HPD all his life but a serious look needed to be taken at the report and at information they were providing; that his web site was www.houston.indymedia.org and there was information and photographs and he hoped they would stop rights from being violated. Council Member Edwards absent.

Upon questions by Council Member Berry, Mr. Koski stated that his web site was his opinion and observation as a witness; that it provided good information and was not political, it was a person's chance to submit what they saw and it would help him understand what happened; and Council Member Berry stated that he was interested in how people did their job and he wanted to make sure they protected the Four Seasons, people going in and the protestors and their first amendment rights, however, how Council Member Garcia stated they had a talented group who had been through large crowd control issues and what concerned him was when they impugned officers doing their job and who could not come down it bothered him and he wanted them to be careful of it and he would look at their site. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she wanted the Police Department to do a report like they did on the K-Mart incident and then go from there with facts; and encouraged Chief Hurr and Mayor White to do so. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he wanted to reiterate that during the Republican National Convention there were articles on regulating the crowd and horses were used because they were motivators of disbursement; that it was an unfair advantage but many times used for the safety of people; and thanked Mr. Koski for coming and sharing his prospective. Mayor White, Council Members Lawrence and Goldberg absent. Mayor Pro Tem Alvarado presiding.

Pastor Aubrey Vaughan, 5025 Telephone Road, Houston, Texas 77087 (713-644-4882) appeared, presented information and stated that he was Pastor of the Church of the Lord Jesus Christ known as Grace Baptist Church; that he was present to talk about bullies in HPD as a few weeks ago one of the men from the church was handcuffed and put in a police car for 15 minutes and last Saturday three police cars sat for over an hour watching them to attempt to intimidate; that HPD used to have a reputation of being bullies and he was putting everyone on notice that anyone abridging his rights would be dealt with to the fullest extent of the law. Mayor White and Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that she read his paper and heard what he said; and upon questions, Mr. Vaughan stated that three police cars sitting and watching a week or two after they cuffed his man and they had a complaint in Internal Affairs looked like intimidation. Mayor White and Council Members Goldberg, Khan and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Berry, Mr. Vaughan stated that his question was why the man was handcuffed, they still don't know; that they had been on the area they understood they could be on protesting at Planned Parenthood located at 3601 Fannin and he was put in the car 15 minutes and then let go; that he himself was videoing and the officer told him to shut off the camera and he asked why and then was told for them to just get off the sidewalk; and a gentleman said he understood they could stand on the sidewalk and he was told they would be arrested for being on private property and he was cuffed and put in the car; and Council Member Berry stated that his job was to make sure the police were acting fairly to everyone so he should let the process work and then come let him know how it worked. Mayor White and Council Members Goldberg and Khan absent. Mayor Pro Tem Alvarado presiding.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God and continued expressing his personal opinions until his time expired. Mayor White and Council Members Goldberg and Khan absent. Mayor Pro Tem Alvarado presiding.

At 11:38 a.m. Mayor Pro Tem Alvarado stated that they would return to the agenda. Mayor White and Council Member Edwards absent. Mayor Pro Tem Alvarado presiding.

- 2-1. RECOMMENDATION from the Mayor's Office for acceptance of Phase 1 Report on Houston/Harris County Ten Year Plan to end Chronic Homelessness – was again before City Council, moved by Council Member Wiseman, seconded by Council Member Quan. All voting aye. Nays none. Mayor White and Council Member Edwards absent. Mayor Pro Tem Alvarado presiding. MOION 2005-0459 ADOPTED.
11. ORDINANCE approving and authorizing Supplemental Lease Agreement No. 1 to lease GS-07B-15237 at William P. Hobby Airport by and between the City of Houston and the **UNITED STATES OF AMERICA - DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0650 ADOPTED.
13. ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY** for Delivery and Enhancement of HIV Ambulatory Health and Support Services pursuant to the Federal Grant Program established under the Ryan White Comprehensive AIDS Resources Emergency Act and a first amendment to such contract - Revenue – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0651 ADOPTED.
14. ORDINANCE appropriating \$500,000.00 out of Low Income Housing Fund 872; amending Ordinance No. 2004-964 to substitute the \$500,000.00 of funds appropriated herein for \$500,000.00 of Federal "HOME" Funds as the funding source in connection with the development of the Jefferson Davis Hospital Building as Affordable Rental Housing - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0652 ADOPTED.
16. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **U. S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES**, to fund the Laboratory Information Management System (LIMS); declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the

Houston Police Department to accept grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0653 ADOPTED.

19. ORDINANCE appropriating \$222,000.00 out of Water & Sewer System Consolidated Construction Fund and awarding a contract to **GE FANUC AUTOMATION AMERICAS, INC** in an amount not to exceed \$216,000.00 for the Human Machine Interface (HMI) Software for the East Water Purification Plant Supervisory Control and Data Acquisition System and \$6,000.00 to **IRON MOUNTAIN INTELLECTUAL PROPERTY MANAGEMENT, INC** to establish an Escrow Account for the HMI Software – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0654 ADOPTED.
22. ORDINANCE appropriating \$5,191,285.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **3D/INTERNATIONAL, INC** for Professional Architectural/Engineering Services at George Bush Intercontinental Airport/Houston, Project No. 490M; CIP A-0322 and A-0422; providing funding for the Civic Art Program financed by the Airports Improvement Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0655 ADOPTED.
23. ORDINANCE appropriating \$500,000.00 out of the Houston Airport System Consolidated 2000 AMT Construction Fund and approving and authorizing Amendment No. 4 to Construction Management Services contract between the City of Houston and **PGAL/ACI** for the Terminal Expansion Program at George Bush Intercontinental Airport/Houston; Project No. 532; CIP A-0352 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0656 ADOPTED.
24. ORDINANCE approving and authorizing treated surface water supply contract between the City of Houston and **MARHABA PARTNERS LIMITED PARTNERSHIP** on behalf of the proposed Harris County Municipal Utility District No. 402 – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0657 ADOPTED.
25. ORDINANCE approving and authorizing sanitary sewer service agreement between the City of Houston and the **WILLIAM CARLOSS MORRIS, III** and **SHARON KAY MORRIS, CHARITABLE REMAINDER UNITRUST** and **HOFFMAN & MORRIS TRUST** on behalf of the proposed Fort Bend County Municipal Utility District No. 168 – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0658 ADOPTED.
26. ORDINANCE approving and authorizing an untreated water supply contract between the City of Houston and **TEXAS MOLECULAR LIMITED PARTNERSHIP** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0659 ADOPTED.
29. ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **CARTER AND BURGESS, INC** for Safe Sidewalk Program, GFS N-0610A-H0-2 (SB9214); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she would like to have a list of the projects, and Mayor Pro Tem Alvarado requested that all Council Members get the list of projects. Mayor White absent. Mayor Pro Tem Alvarado presiding.

30. ORDINANCE approving and authorizing Professional Artist Services Agreement between the City of Houston and **SUZANNE SELLERS** to create a Mural for Fire Station 27 and accepting the mural into the City's Art Collection upon completion - **DISTRICT H - GARCIA** – was presented, and tagged by Council Member Garcia. Mayor White absent. Mayor Pro Tem Alvarado presiding.
32. ORDINANCE appropriating \$67,669.00 out of Parks Consolidated Construction Fund, awarding construction contract to **SUMCO, INC** for Construction of MacGregor Park Ballfield Lights, GFS F-504A-11-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - \$250,000.00 CDBG Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0660 ADOPTED.
33. ORDINANCE appropriating \$465,095.00 out of Parks Consolidated Construction Fund, awarding construction contract to **JERDON ENTERPRISE, L.P.** for Construction of Sylvan Rodriguez Park, GFS F-504B-05-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0661 ADOPTED.
34. ORDINANCE appropriating \$443,380.00 out of Solid Waste Consolidated Construction Fund, awarding construction contract to **SUMCO, INC** for Storm Water Pollution Control, GFS L-0028-01-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, and contingencies relating to the construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - GOLDBERG; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Mayor White Absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0662 ADOPTED.
35. ORDINANCE appropriating \$109,844.51 out of Fire Consolidated Construction Fund, \$173,245.25 out of Public Health Consolidated Construction Fund, \$329,711.72 out of Parks Consolidated Construction Fund, \$163,220.44 out of Police Consolidated Construction Fund, \$228,663.66 out of General Improvements Consolidated Construction Fund, \$23,064.24 out of Solid Waste Consolidated Construction Fund and \$363,051.03 out of Public Library Consolidated Construction Fund for Project Management Costs; providing funding for contingencies relating to construction of facilities financed by the above mentioned funds – was presented, and tagged by Council Member Galloway. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Item received during meeting.

18. ORDINANCE approving and authorizing contract between the City of Houston and **MOTOROLA, INC** for Technical Support Services for Customer Service Request System Software on the City's 3-1-1 System for the Information Technology Department; providing a maximum contract amount \$264,750.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. ORDINANCE 2005-0663 ADOTED.

MATTERS HELD - NUMBERS 36 through 39

36. Council Member Kahn moved to amend (a) and (b) of Item 36A as shown below:
 “a child younger than 18 years of age shall not ride or operate, a minimotorbike, neighborhood electric vehicle or a motor assisted scooter on any alley, sidewalk or city park within the City limits.” – was presented.

Council Member Lawrence stated that they were passing out a substitute motion for the amendment, the word “guardian” was being substituted as requested previously for “ward” and also, “C”, that was just a clarification with the disability community and they wanted the reinforcement which already existed with the Texas Transportation Code but they added that in specifying that anybody with a disability that used a motorized scooter vehicle they become a pedestrian with that vehicle, that process went through the committee as suggested and again what they started out with was some neighborhoods, some constituents, that had small front yards and as they backed up, one particular man that came had actually hit children, he had a problem because the DPS law said that the racer scooters were illegal and the DRT Department of the HPD felt like they needed something to follow up with than just the DPS that was why the ordinance started, that as they dove into it and looked at it 16 children were killed in one year with these particular things, the ad in the past Sunday newspaper had a warning at the bottom and in the handout that they got showed the warning, it talked about how dangerous they were and really asked for adult supervision, if they could make it just children under 18 they would but State law, the DPS law, would not let them that was why it covered adults also, but the ordinance was in the thoughts of children, that Pasadena and Katy had taken the lead, they had banned these particular motorized scooters, that New York, the whole State, had banned them, they did not let bicycles on sidewalks legally so these vehicles were creating a problem, especially for people backing out of their driveways, they had moved Code Enforcement to HPD and now the DRT Officers looked at things like ordinances and could go up to doors and talk to parents about this particular ordinance and say they needed their child, they were in harms way when they rode those scooters and as they saw the ad some of them went up to 15 miles per hour, that they were 6 year olds, already this year there had been a six year old and eleven year old killed, that was where they were going with this, it was a safety issue with helmets or without helmets kids ten and eleven year olds should not be riding these, especially six year olds, that parents felt like they could let them ride down the sidewalks with these and they had children hit in her neighborhood and the police had requested that they strengthen it and so that was where it was, that it was a friendly amendment to the basic ordinance. Council Member Berry absent.

Council Member Green moved to table Item No. 36, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0460 ADOPTED.

- 36A. Council Member Lawrence presented the following written motion to amend the proposed Ordinance amending Chapter 45 of the Code of Ordinance, Houston, Texas, relating to the operation of Mini motorbikes on Public Roadways and Parks:
 “Concerning Houston City Council Agenda Item 36B, I hereby provide a written motion to amend Article XX Section 45-501(5) in the following manner:
~~A neighborhood electric vehicle or a motor assisted scooter, as defined by Section 551.301 of the Transportation Code.~~
 Concerning Houston City Council Agenda Item 36B, I further motion to amend Article XX Section 45-502 in the following manner:

A person commits an offense if the person rides or operates, or as the parent or ward of a child younger than 18 years of age permits the child to ride or operate, a minimotorbikes on any public roadway, street, alley or sidewalk or city park within the City limits.

A person commits an offense if the person rides or operates, or as the parent or ward of a child younger than 18 years of age permits the child to ride or operate a neighborhood electric vehicle or a motor assisted scooter on any alley, sidewalk or city park within the City limits. – – **(This was Item 56 on Agenda of May 4, 2005, POSTPONED BY MOTION #2005-386)** - was presented.

Council Member Lawrence distributed the following written motion as a substitute for Item No. 36A: (Note: It was determined by the City Secretary that the intent of Council Member Lawrence was to make a substitute for her motion listed as Item No. 36A.)

“Concerning Houston City Council Agenda Item 36, I further motion to amend Article XX Section 45-502 in the following manner:

A person commits an offense if the person rides or operates, or as the parent or ward of a child younger than 18 years of age permits the child to ride or operate, a minimotorbikes on any public roadway, street, alley or sidewalk or city park within the City limits.

- (b) A person commits an offense if the person rides or operates, or as the parent or ward guardian of a child younger than 18 years of age permits the child to ride or operate a neighborhood electric vehicle or a motor assisted scooter on any alley, sidewalk or city park within the City limits
- (c) For the purposes of this ordinance, any person with physical disabilities operating a mobility device, such as a motorized wheel chair or motorized scooter, is considered to be a pedestrian, as defined within the State of Texas Transportation Code, Section 542.009 (b).”

Upon questions by Council Members, Ms. Michel Austin, Legal Department, stated that their question was to neighborhood electric vehicles or motorized assisted scooters, that Council Member Lawrence’s amendment could be amended to address just 18 years and younger, and Mr. Don Cheatham stated that one of the problems that he thought they had was that they were all throwing around a term of scooter and there were any number of different types of devices, that there were all sorts of scooters and there were all sorts of definitions of different types of scooters that were used by people with disabilities, the Transportation Code was shot throughout with all of the different definitions so when they were talking about scooters all they were doing was mudding up the water, the intent was not to affect people with disabilities and their use of their devices, he did not think the amendment as proposed really did this because the Section B talked about operating a neighborhood electric vehicle, for lack of a better term that would be equated to something like a golf cart, and then certain configurations those could be legal on the streets or a motor assisted scooter, but a motor assisted scooter could fit both the type of vehicle that some disabled people used for mobility but it could not be the two wheel racer type scooter that might have a tiny motor on the back, that he was convinced that Council Member Lawrence was not trying to affect the mobility of disabled citizens, that it was more than just an age issue, it was the type of device they were talking about and he thought Council Member Lawrence was fairly specific in her amendment language to only look at two different types.

Council Member Sekula-Gibbs stated that a letter had been distributed from the Texas Medical Center in which they requested more dialogue on the affect of any amendment on the disabled community.

After further discussion by Council Members, Mr. Michel stated that what DPS was saying was that in the absence of the entire ordinance they could still cite minimotorbikes and other vehicles because they did not meet certain requirements so if they limited it to 18 and below, they could do that, but if the implication was then that they were legal otherwise they could not override State law and then say they were legal, HPD could still enforce, but as HPD said last

time there were problems in doing so, they would rather have an ordinance which identified a particular type of vehicle rather than having to make the determination whether it met specific requirements.

Council Member Lawrence moved to refer her substitute motion for Item No. 36a and Item No. 36A back to committee, seconded by Council Member Alvarado.

After further discussion by Council Members, a vote was called on Council Member Lawrence's motion to refer back to committee. All voting aye. Nays none. MOTION 2005-0461 ADOPTED.

36b. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the operation of Minimotorbikes on Public Roadways and Parks; providing for severability; and providing an effective date – **(This was Item 56A on Agenda of May 4, 2005, POSTPONED BY MOTION #2005-386)** – was presented.

After discussion by Council Members, a vote was called on Item No. 36b. Council Member Khan voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2005-0664 ADOPTED.

37. ORDINANCE determining the population of the City and the population of each of the Council Districts and determining that the existing City Council Districts are not materially unbalanced – **(This was Item 27 on Agenda of May 18, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0665 ADOPTED.

37a. ORDINANCE establishing the boundaries of single member districts from which District Council Members are elected – **(This was Item 27A on Agenda of May 18, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0666 ADOPTED.

38. ORDINANCE appropriating \$800,000.00 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **TX LAKE HOUSTON POINTE APARTMENTS, L.P.** to provide a grant to pay eligible land acquisition and/or construction costs for the Fairlake Cove Apartments to be located at the corner of FM 1960 and Fairlake Drive, Houston, Texas, to house low income residents - **DISTRICT E - WISEMAN** – **(This was Item 28 on Agenda of May 18, 2005, TAGGED BY COUNCIL MEMBERS GREEN, BERRY and SEKULA-GIBBS)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0667 ADOPTED.

39. ORDINANCE appropriating \$3,918,210.44 out of Street & Bridge Consolidated Construction Fund and \$471,154.61 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Scott Street Paving from South Acres to East Orem, GFS N-0618-01-3 (SB9084); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - **(This was Item 38 on Agenda of May 18, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0668 ADOPTED.

Council Member Green moved to remain in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Ellis. Mayor White stated that if there was no objection it was so ordered.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Garcia stated that he wanted to thank Chief Ottemeyer and the North Command folks as well as Chief Boriskie, the Houston Independent School District Police Department, Constable Abercia and the Office of Emergency Management, they had a Public Safety Townhall Forum last night at Fonville Middle School and Council Member Galloway co-hosted the event, they had great attendance and participation and a lot of good information was shared with the public about how they could partner with their respective law enforcement and emergency management entities in helping to keep Houston safe. Council Members Khan, Ellis and Berry absent.

Council Member Garcia stated that he wanted to remind everyone that next Monday would be the Memorial Day event at the Veterans Memorial Park at Tidwell and Hardy, from 12:00 p.m. to 3:00 p. m, that he wanted to thank the Office of Special Events and Susan Christian for all of her tremendous support in making that event possible, and he encouraged everyone to come out and support the veterans. Council Members Khan, Ellis, Green and Berry absent.

Council Member Garcia stated that the Houston Police and Fire Departments were facing a lot of challenges, they had unprecedented retirements, that they knew they did not have all of the money to do everything that they would like to do so in tough times they had to focus on the priorities and they were to keep the public safe and keep a strong presence out in the community and work to find new opportunities to use their resources more effectively and more wisely. Council Members Khan, Ellis, Green and Berry absent.

Council Member Alvarado stated that this morning they launched an event at John R. Harris Elementary School in the Eastend and she wanted to thank the Mayor's office and Council Member Berry's office and Council Member Sekula-Gibbs for being present, that train safety continued to be an issue that they focused on every day and they formed a partnership with the City of Houston, specifically HPD, the railroad companies and Houston Independent School District, that they launched "Operation Lifesaver", which would be taught as part of the curriculum in the schools in September, one message that they wanted to get out to kids was more of a simple message that kids could relate to, and she wanted to thank Terrace Fontaine's office for helping to develop the slogan, "Use Your Brain, Stay of the Train", that the message would be translated in English and Spanish, that she appreciated the work that was put into it by the Communications Office and Mr. Fontaine's Office and HPD. Council Members Wiseman, Khan, Holm, Ellis, Green and Berry absent.

Council Member Sekula-Gibbs stated that there was an opportunity if they did not have health insurance and were low income to take advantage of mammogram screenings at the Rose Center, located at 3400 Bissonnet, that it was being sponsored on June 6, 2005 and July 11, 2005, that it was a free screening through the Asian American Health Coalition and done in collaboration with the Rose Foundation and Rose Diagnostic Center and also with the Susan G. Kohlman Breast Cancer Foundation and the Avon Foundation, that the telephone number was 713-668-2996. Council Members Wiseman, Khan, Holm, Green and Berry absent.

Council Member Sekula-Gibbs stated that on May 25, 2005 there was a meeting on Emergency Medical Services at the Houston Galveston Area Council, that it was for people who were interested in the delivery of health care services, that it was tomorrow at 3555 Timmons on the second floor, and they could call 713-627-3200. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Green and Berry absent.

Council Member Quan stated that he wanted to thank his colleagues for their support of Item No. 2-1, the report on ending chronic homelessness, that he knew it was a great concern to all Council Members, that Mr. Anthony Love was relatively new to the Coalition for the Homeless and tomorrow afternoon from 5:00 p.m. to 7:00 p.m. there would be a reception at the Catholic Charities welcoming Mr. Love to his position as Executive Director of the Coalition for

the Homeless. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that Chief Lumpkin, along with Captain Jet and Captain Bounds, came out to Lee High School last week regarding crime in southwest Houston, that one of the things they would like to follow up on with the Agenda Director was the creation of a crosswalk or school zone on Hillcroft for Lee High School, that as they knew that Hillcroft at that location was a very busy street and four students had been hit by cars in the past year so they were asking Public Works to take a serious look at adding school crossing signs by Lee High School. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that wanted to thank all the volunteers who came out for the District C cleanup, they had 70 volunteers pickup 60 bags of trash, 40 tires and many abandoned vehicles, that it was a great success. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated someone in the Houston Police Department set a Guinness World Record, their sketch artist had sketched 168 sketches that led to the identification of someone and put them behind bars, that in actuality she contended she had done over 1,000 but the criteria for the Guinness World Book of Records was so strong that only 168 passed and she had the record for that. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that the University of Houston College of Pharmacy, for the first time, had back to back wins, first place in the National Patient Counseling Competition,. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to extend her thanks to Mr. John Crouch in the Parks and Recreation Department for his quick response to reports of graffiti problems in District E, that she had received some concerns over obscene language that had been scrawled on equipment at Beverly Hills Park and Mr. Crouch was quick and initiated an investigation and took quick action and did the same in Oak Meadows, that she also wanted to extend her thanks to Mr. Issah Dadoush who responded quickly to an issue that was a matter of safety at Beverly Hills Park also. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that on Monday, Memorial Day, that they make sure to take time to pay their respects to those who had done so much for them in protecting the Nation. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that once again their Page Program was getting ready to start and would be going through the summer, that they had a lot of kids signing up for the program. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Goldberg stated that everyone should go out to the Museum of Fine Arts for a new exhibit, that it was Baseball is America, that they had so many items from the Baseball Hall of Fame in the museum, that it was an incredible exhibit, that any Little Leaguer in uniform

was admitted for free. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green stated that last Saturday night he and Council Member Garcia served as Honorary Chairs for the Phyllis Wheatley High School First Annual Wild Cat Gala to raise money for the band and other supplementary items at the school and recognized Wheatley Alumni who had gone on to greatness, that it was a great turnout. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green stated that the Houston Lawyers Association celebrated it's 50th anniversary this weekend with a gala at the Hilton Hotel and he was glad to take part in it, that he was a member of the organization. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to thank BFI and Tony Williams and the members of the Alpha Phi Alpha Fraternity Chapter for handling the issue that Mr. Lee and Mrs. Jenkins came to talk about at public session about today, that they were going to go out and have that trash picked up this afternoon. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Council Member Garcia who was instrumental in making sure that Mr. Richard Leal was at their meeting last week with the Glen Park Estates problem that they were having with the homeowners association and the break ins and so forth, that Mr. Leal stayed the whole time and was very helpful in making sure they were heard and understood. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate Project Row Houses on a successful fund raising event last Saturday evening. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she had never seen a time or country where they had given up freedoms where those freedoms were reinstated after the security issue was over, that the issues that were brought forth for the City Council they needed to look at very diligently to make sure the police were doing the right thing, but a report would give them that and not just back and forth with constituents, in that vein she would like to thank Michael Moore who was very instrumental in getting a meeting set up immediately with Captain York and Captain Jet regarding the Montrose issue of the prostitution. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate HPD Officer Warren Jones who received earlier this month the Texas Commission on Law Enforcement Officer's Education Award and Public Service Award and would receive the 100 Club Officer of the Year Award locally. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that there was a charity program that the Comets were together where they buy tickets for charitable organizations, they buy tickets for their area and

give them to whatever group that they wanted them to go to, if they had any questions they could contact the District D office. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the SHAPE Community Center was having their annual Pan African Festival on Saturday and Sunday at 3815 Live Oak. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank all of the volunteers and interns that they had in the District D office over the years, that they appreciated them. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:41 p.m. Mayor White and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

Anna Russell, City Secretary